

MINISTER OF LANDS (Appellant) v. M. M. KAHO
(Respondent).

This is an appeal by the Minister from a decision of the Land Court Judge (Stuart J.) given at Nuku'alofa in October, 1940.

It was a dispute on the ownership of leases which had been bequeathed to the respondent by will. The Land Court held that the respondent was entitled to the leases.

The Minister appealed alleging that the land the subject of the leases had vested in the Crown.

On the 20th August, 1942 the Privy Council (Stuart C.J.) gave the following judgment :

In this case the Court of Appeal of the Privy Council is of the opinion that the Judge of the Land Court erred in his judgment when he regarded the £36 rent as property, and that it is separate from the land. The Judge also erred when he applied English Law since the question of lease is governed by Tongan Law. There is no breach of Section 7 of the Points accepted by the King in 1905, when the leased land reverted to the Crown as the rights of the lessee a foreign firm are still safeguarded. Therefore this appeal is allowed and leases No. 1344 and No. 1345 shall remain with the Crown as well as the annual rent of £36.